
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

CHANDLER RUSSELL ROSE,

Plaintiff,

v.

K. HANCOCK, et al.

Defendants.

MEMORANDUM DECISION AND ORDER

Case No. 1:12-cv-00110-DB-DBP

District Judge Dee Benson

Magistrate Judge Dustin B. Pead

I. INTRODUCTION

This civil rights matter was referred to the Court under 28 U.S.C. § 636(b)(1)(A). Plaintiff is Chandler Russell Rose (“Plaintiff”). Defendants are the following Clearfield, Utah Police Department officers: (1) K. Hancock; (2) Jason Richards; and (3) J. Jackson. On October 10, 2012, this Court stayed discovery in this civil case until the related criminal proceedings against Plaintiff concluded. (Docket No. 36.)

Before the Court are the following motions: (1) Defendants’ motion to stay civil proceedings; (2) Defendants’ motion to stay briefing on Plaintiff’s motion for partial summary judgment; and (3) Plaintiff’s motion to lift the October 10, 2012 stay.

II. PLAINTIFF’S MOTION TO LIFT STAY

On December 28, 2012, Plaintiff filed a motion to lift the October 10, 2012 discovery stay because criminal proceedings had concluded. (Dkt. No. 51.) That is, on December 7, 2012, Plaintiff entered a plea in abeyance to class B misdemeanor underage drinking. (*Id.* at 1.)

Defendants have not responded to Plaintiff's motion. See DuCivR 7-1(d) ("Failure to respond timely to a motion may result in the court's granting the motion without further notice.").

Because Plaintiff's criminal proceedings have concluded, and because Defendants failed to respond to Plaintiff's motion to lift the stay, the Court **GRANTS** the motion. (Dkt. No. 51.)

III. DEFENDANTS' MOTION TO STAY CIVIL PROCEEDINGS

On November 14, 2012, Defendants filed a motion to stay civil proceedings in their entirety pending the ongoing state criminal proceedings against Plaintiff.¹ Because the criminal proceedings have concluded, the Court finds this motion **MOOT**. (Dkt. No. 44.)

IV. DEFENDANTS' MOTION TO STAY BRIEFING ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

On October 10, 2012, Plaintiff filed a motion for partial summary judgment. (Dkt. No. 37.) On October 12, 2012, District Judge Dee Benson granted Plaintiff's motion to withdraw his partial summary judgment motion. (Dkt. No. 42.) Nevertheless, on November 14, 2012, Defendants filed a motion to stay briefing on Plaintiff's partial summary judgment motion (Dkt. No. 46) until the Court ruled on Defendants' motion to stay civil proceedings in their entirety (Dkt. No. 44). Because Plaintiff withdrew his October 10, 2012 partial summary judgment motion, and because this Court ruled on Defendants' motion to stay above, the Court finds Defendants' motion to stay briefing **MOOT**. (Dkt. No. 46.)

V. ORDERS

For the reasons above, the Court issues the following **ORDERS**:

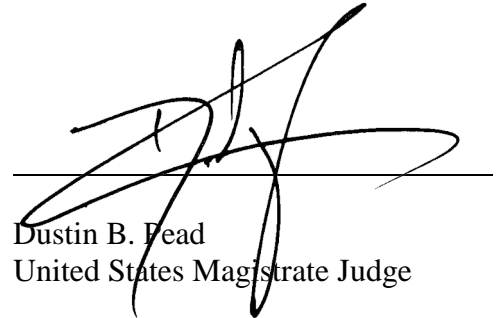
Plaintiff's motion to lift the stay in this case is **GRANTED**. (Dkt. No. 51.)

Defendants' motion to stay civil proceedings in their entirety is **MOOT**. (Dkt. No. 44.)

¹ The Court's October 10, 2012 order merely stayed discovery in this civil proceeding. (Dkt. No. 36.)

Defendants' motion to stay briefing on Plaintiff's October 10, 2012 motion for partial summary judgment is **MOOT**. (Dkt. No. 46.)

Dated this 12th day of March, 2013.



Dustin B. Fead
United States Magistrate Judge